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*The abuse and neglect of children affects our entire court system and our communities. Our judiciary deals with the effects of child abuse on a daily basis. We as judges have a duty to ensure that our court systems provide the protection, due process, and supervision demanded by the law. -- California Chief Justice Ronald M. George*

## **Court Reforms To Improve Foster Care**

**By Supreme Court Associate Justice Carlos R. Moreno, Chair, California Blue Ribbon Commission on Children in Foster Care**

Foster care is meant to be a short-term, safe haven for abused or neglected children. Yet in California, as in most states, it all too often becomes a long-term saga. Half of our state's nearly 80,000 foster children remain in care for two or more years, 17 percent of them for more than three years.

Most of these children are in foster care because of neglect, not abuse. Yet far too many of them languish in a "foster care limbo," shuffled from placement to placement, separated from siblings, friends and schools. Those who grow up in foster care face an increased risk of unemployment, homelessness, mental illness, and involvement with the criminal justice system. This is not the future we have in mind for the most vulnerable among us.

In March 2006, Chief Justice Ronald M. George launched the California Blue Ribbon Commission on Children in Foster Care, a statewide panel of experts with experience in all aspects of child welfare. He gave us two years to develop concrete and practical recommendations on how the courts and our partners can improve outcomes for children and their families around safety, permanency, well-being, due process and fairness.

The commission took a hard look at our juvenile dependency courts and learned that:

- There are fewer than 150 full-time and part-time judicial officers who preside over the state's entire dependency court system. Full-time judicial officials in California carry an average of 1,000 cases, which has a direct impact on the level of time and attention any one case receives.
- Dependency hearings average only 10–15 minutes, far less than the recommended 30–60 minutes and hardly enough time for a judge to get a full picture of the needs, hopes and concerns of a child and his or her family.
- Attorneys who represent children and parents carry average caseloads of 273, which far exceed the caseload standards for attorneys recently adopted by the Judicial Council. Children and parents sometimes do not even meet their attorneys until the day of their hearings.

Is it any wonder that the voices of children and parents are not always heard in court?

Is it any wonder that juvenile law is not a popular career path?

Is it any wonder that our juvenile dependency courts do not always meet federal or state mandates for timely hearings?

As commissioner and Associate Justice Richard Huffman, of the Court of Appeal, 4th Appellate District, aptly noted: Much of what is occurring in our dependency courts would be considered “malpractice in any other area of the law.”

The Blue Ribbon Commission wants to change the way dependency courts do business. We want to help dependency courts meet their obligations under state and federal law and to live up to the good intentions and potential of the caring professionals who work there.

The commission released draft recommendations for public comment in March. Our overarching belief is that *all* children deserve a safe and permanent home. Therefore, whenever possible, families should receive the support they need to stay together safely. If a child must be removed, the courts and their partner agencies should seek timely reunification or placement in another permanent home.

Making this fundamental goal a reality is the basis for our proposals. In wide-ranging recommendations, the commission calls for the active involvement and leadership of the courts to fulfill our judicial responsibilities within the child welfare system. We are requesting that the Judicial Council, the policymaking body for the judicial branch, spearhead these changes.

One of the most important areas of reform is ensuring reasonable caseloads for our judicial officers and attorneys, so they will have adequate time to understand the needs and hopes of each child and family. We also need sufficient judicial personnel so that the same judge can hear a case from beginning to end. In addition, we are calling for court performance measures to ensure accountability.

We also believe that juvenile law should become a more respected career choice. Reducing caseloads will help, but we also need more dedicated professionals to join the field. Thus, the commission urges the state bar to create a juvenile law section, to make juvenile dependency law mandatory for the bar exam and to forgive student loans for those who choose this career.

The courts do not operate in isolation. Thus the commission calls for strengthening communication between the courts and our partners, building and implementing better data systems and ensuring access to data and information that cuts across agencies.

We also believe that no child or family should be denied critical services because of funding constraints. The courts and our partners need adequate and flexible funds to meet our legal and moral obligations. Therefore, the commission calls for flexible use of federal foster care dollars, which are now largely restricted for use only after removal of a child. We also want to eliminate the barriers that currently preclude state and local agencies from pooling funds to better meet the needs of children and families. And, we call on the courts and our partner agencies in California to prioritize foster children and their families when making decisions about services and allocation of resources.

In short, this commission is determined to make a difference. We know the consequences if we do *not* act. We will see it in the lives of youth who grow up without nurturing adults by their side and in the health and stability of the communities where they live.

We acknowledge that not everything can happen at once in fiscally tight times. But we remind ourselves that this is about the children and that time moves slowly in the eyes of a child. It is from the foster children themselves that the commission learned we have no time to lose.

*The commission invites the public to read and comment on the full set of draft recommendations which are posted on the commission's website, [www.courtinfo.ca.gov/blueribbon](http://www.courtinfo.ca.gov/blueribbon). The public comment period extends to May 12, after which the commission will meet in June to finalize its recommendations before presenting them to the Judicial Council for action in August 2008.*

**Box:****Draft Recommendations at a Glance:****Child abuse prevention and services funding**

The Judicial Council should work with state and federal leaders to allow greater flexibility in the use of prevention funds and to eliminate barriers to coordinating funds for prevention and services.

**Prioritizing foster care**

All agencies and the courts should prioritize children in foster care and their families when providing services and when allocating and administering public and private resources.

**Caseloads**

The Judicial Council should advocate reasonable judicial, attorney, and social worker caseloads.

**Data and information**

The Judicial Council should support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council should implement court performance measures to improve foster care outcomes as mandated by state law.

**Disproportionality**

The courts and child welfare agencies should examine and address why a disproportionate number of African-American and American Indian children are in the child welfare system.

**Kinship**

Child welfare agencies should engage family members earlier and the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.

**Indian child welfare**

The courts, child welfare and other agencies should collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.

**Extended support for transitioning youth**

The Judicial Council should urge Congress and the state Legislature to extend the age for children to receive foster care assistance from 18 to 21.

**A voice in court**

The courts should ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present at and heard in court. CASA programs should be expanded to all counties.

**Local commissions**

The courts and child welfare agencies should jointly convene multidisciplinary commissions at the county level to identify and resolve local concerns and to help implement commission recommendations and related reforms.